

publication date of these final results of administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Akzo will be 0.56 percent; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation, the cash deposit rate will continue to be the rate published in the most recent final determination for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the original investigation; and (4) the "all others" rate will be 24.58 percent, established in the LTFV investigation, and in accordance with the Department's practice. See *Floral Trade Council v. United States*, 822 F. Supp. 766 (2993), and *Federal Mogul Corp.*, 822 F. Supp. (1993).

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 16, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-7609 Filed 3-27-95; 8:45 am]

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#### **Department of the Interior, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments**

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

**Comments:** None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

**Docket Number:** 94-141. **Applicant:** Department of the Interior, Menlo Park, CA 94025. **Instrument:** SIR Mass Spectrometer, Model PRISM. **Manufacturer:** Fisons Instruments, United Kingdom. **Intended Use:** See notice at 60 FR 442, January 4, 1995. **Reasons:** The foreign instrument provides: (1) an adjustable multicollector with four deep Faraday buckets, (2) an electromagnetic sector analyzer with a 50 cm dispersion and (3) an online elemental analyzer.

**Docket Number:** 94-148. **Applicant:** Lamont-Doherty Earth Observatory of Columbia University, Palisades, NY 10964. **Instrument:** Isotope Ratio-Gas Source Mass Spectrometer, Model PRISM. **Manufacturer:** Fisons Instruments, United Kingdom. **Intended Use:** See notice at 60 FR 443, January 4, 1995. **Reasons:** The foreign instrument provides: (1) an adjustable multicollector with four deep Faraday buckets, (2) an electromagnetic sector analyzer with a 50 cm dispersion and (3) an automatic cold finger for samples as small as 0.2 ml.

These capabilities of each of the foreign instruments described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

**Frank W. Creel**

*Director, Statutory Import Programs Staff.*

[FR Doc. 95-7610 Filed 3-27-95; 8:45 am]

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[C-549-501]

#### **Certain Circular Welded Carbon Steel Pipes and Tubes From Thailand: Preliminary Results of Countervailing Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of preliminary results of countervailing duty administrative review.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on certain circular welded carbon steel pipe and tubes from Thailand. We have preliminarily determined the net subsidy to be 0.73 percent ad valorem for Saha Thai Pipe and Tube Company and all other companies for the period January 1, 1992, through December 31, 1992. If the final results remain the same as these preliminary results of administrative review, we will instruct U.S. customs to assess countervailing duties as indicated above.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** March 28, 1995.

**FOR FURTHER INFORMATION CONTACT:** Penelope Naas and Gary Bettger, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, Room B099, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-3534 or 482-2239, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On August 3, 1993, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request an Administrative Review" (58 FR 41239) of the countervailing duty order on pipes and tubes from Thailand (50 FR 32751; August 14, 1985). On August 31, 1993, the respondents, the Royal Thai Government (RTG) and Saha Thai Pipe and Tube Company (Saha Thai), requested an administrative review of this order. We initiated a review of the period January 1, 1992, through December 31, 1992, on September 30, 1993 (58 FR 51053). The review covers one manufacturer/exporter of the subject merchandise and nine programs. The final results of the last administrative review in this case were published October 9, 1991 (56 FR 50852).

### Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

### Scope of Review

On March 29, 1994, the Department clarified the Harmonized Tariff Schedule (HTS) numbers that were applicable to the subject merchandise (see *Memorandum* to Susan Esserman from Susan Kuhbach, available in the Central Records Unit, Room B099, Main Commerce Building). This clarification was necessary because of annual changes in the HTS.

The scope now reads:

Imports covered in this review are shipments of circular welded carbon steel pipes and tubes (pipes and tubes) with an outside diameter of 0.375 inch or more but not over 16 inches, of any wall thickness. These products, commonly referred to in the industry as standard pipe or structural tubing, are produced to various ASTM specifications, most notably A-120, A-53 and A-135. During the review period, this merchandise was classified under item numbers 7306.30.10 and 7306.30.50 of the HTS. The HTS numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1992, through December 31, 1992.

### Analysis of Programs

#### Export Packing Credits

Export packing credits (EPCs) are short-term loans used for pre-shipment export financing. The loans are issued by commercial banks in baht for up to 180 days. The banks are required to charge no more than a maximum interest rate of ten percent per annum on the loan. Interest is paid on the due date of the loan. To obtain these loans, exporters issue promissory notes to the lending bank. The notes must be supported by an irrevocable letter of credit, a sales agreement, a purchase order, warehouse receipt, or issuance export bill. Commercial banks can lend up to the amount of the shipment. They then can rediscount 50 percent of the loan with the Bank of Thailand (BOT). On the date the loan is due, the BOT debits the commercial bank's account for the principal and the interest due. The commercial bank then debits the exporter's account or extends further

credit at negotiated, commercial rates to the exporter. If the terms of the loan are not met, the BOT charges the commercial bank a penalty retroactive to the first day of the loan.

In case of non-performance by the exporter on the due date of the loan, the exporter is charged an additional penalty interest rate of 6.5 percent on the entire loan. This penalty is forgiven and the exporter receives the EPC preferential rate if it makes the export shipment or receives payment in foreign currency for the product within 60 days after the due date of the promissory note. Because EPCs are available only to exporters, they are countervailable to the extent that the loans are provided at preferential rates.

To determine whether the loans are preferential, we ordinarily use the predominant source of short-term financing in the country in question. Where there is no single, predominant source of short-term financing, we may use a benchmark composed of the interest rates for two or more sources of short-term financing in the country in question, weighted, whenever possible, according to the value of the financing granted by each source. In *Final Countervailing Duty Determination and Countervailing Duty Order: Steel Wire Rope from Thailand* (56 FR 46299; Sept. 11, 1991) (*Steel Wire Rope*), the Department concluded that the minimum loan rate (MLR) and the minimum overdraft rate (MOR) as reported in the BOT Quarterly Bulletin are more representative of the prevailing short-term interest rates in Thailand than the rates used in previous cases. Based on that determination and on the recent United States Court of International Trade (CIT) decision in *Royal Thai Government and TTU Industrial Corp. v United States*, 850 F. Supp. 44 (CIT 1994), which said that the average rate of the MLR and MOR rates was the appropriate benchmark for short term loans, we are using the average of the 1992 MLR and MOR rates as reported in the BOT Quarterly Bulletin for 1992. That rate was 12.19 percent, which exceeded the maximum interest rate on EPCs of 10 percent. Therefore, we preliminarily determine that EPC loans are preferential.

To calculate the benefit provided to Saha Thai, currently the only known producer/exporter of the subject merchandise, by the EPC loans during the period of review (POR), we compared the amount of interest actually paid to the amount that would have been paid at the benchmark rate. At verification, we noted that the company had to specify the destination of the merchandise in order to receive

the EPC loans. Because Saha Thai had to specify the destination of the subject merchandise at approval and because they exported only the subject merchandise to the United States, we divided the benefit by its total exports of the subject merchandise to the United States to arrive at a net bounty or grant of 0.73 percent *ad valorem*.

### Programs Preliminarily Determined Not Used

We also examined the following programs and preliminarily determine that Saha Thai did not apply for or receive benefits under these programs for the review period.

1. Tax Certificates for Exporters
2. Tax and Duty Exemptions Under Section 28 of the Investment Promotion Act
3. Repurchase of Industrial Bills
4. Export Processing Zones
5. International Trade Promotion Fund/Export Promotion Fund
6. Electricity Discounts for Exporters
7. Reduced Business Taxes for Producers of Immediate Goods for Export Industries
8. Additional Incentives under the IPA

#### Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy for the period of January 1, 1992, through December 31, 1992, to be 0.73 percent *ad valorem* for all exporters and producers of pipe and tube from Thailand.

Therefore, the Department intends to instruct the Customs Service to assess countervailing duties of 0.73 percent *ad valorem* on the f.o.b. invoice price on all shipments of this merchandise from Thailand entered, or withdrawn from warehouse, for consumption on or after January 1, 1992, and on or before December 31, 1992.

Further, the Department intends to instruct the Customs Service to collect cash deposits on shipments of 0.73 percent *ad valorem* on the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from the warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than ten days after the date of publication of this written notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven

days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than ten days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief. The administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 16, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95-7613 Filed 3-27-95; 8:45 am]

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## Foreign-Trade Zones Board

[Order No. 732]

### Grant of Authority for Subzone Status BASF Corporation (Caprolactam/ Nylon-6 Resin); Freeport, TX

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment \* \* \* of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Port of Freeport, Texas (Brazos River Harbor Navigation District), grantee of Foreign-Trade Zone 149, for authority to establish special-purpose subzone status at the chemical products manufacturing facilities of BASF Corporation in Freeport, Texas, was filed by the Board on February 2, 1993, and notice inviting public comment was given in the

**Federal Register** (FTZ Docket 3-93, 58 FR 8929, 2-18-93); and,

Whereas, the Board has found that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest provided approval is subject to certain conditions;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 149A) at the plant sites of BASF Corporation in Freeport, Texas, at the locations described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

1. Privileged foreign status (19 CFR 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that nonprivileged foreign (NPF) status (19 CFR 146.42) may be elected for foreign caprolactam extract (HTSUS 2933.71.0000-6) and cyclohexanone (HTSUS 2914.22.1000) up to a level of 45 million kilograms (100 mil. lbs.) annually for each item.

2. The authority with regard to the NPF option is initially granted until December 31, 1999, subject to extension.

Signed at Washington, DC, this 17th day of March 1995.

**Susan G. Esserman,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

Attest:

**John Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95-7611 Filed 3-27-95; 8:45 am]

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## National Oceanic and Atmospheric Administration

### National Marine Sanctuary Symbol

**AGENCY:** Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resources Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** SRD is announcing the adoption of a symbol for the National Marine Sanctuary Program as required by the National Marine Sanctuaries Act. The symbol is one element of a pilot project to enhance funding for designation and management of national marine sanctuaries. In accordance with the Act, SRD is publishing, in the **Federal Register**, the symbol shown in the attachment to this document. This symbol shall be the official symbol for

the National Marine Sanctuary Program. This notice also announces the opportunity for interested persons to become official sponsors of the National Marine Sanctuary Program or of individual sanctuaries.

**DATES:** The Office of Ocean and Coastal Resource Management will begin using the symbol immediately.

**ADDRESSES:** Information on becoming an official sponsor may be obtained from: Justin Kenney, National Oceanic and Atmospheric Administration, Sanctuaries and Reserves Division, 1305 East-West Highway, 12th floor, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Justin Kenney at (301) 713-3145 ext. 153 or Harriet Sopher at (301) 713-3125 ext. 109.

**SUPPLEMENTARY INFORMATION:** Under Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, the United States Congress has authorized the designation of discrete areas of the marine environment as National Marine Sanctuaries to protect distinctive natural and cultural resources whose protection and beneficial use requires comprehensive planning and management. The National Marine Sanctuary Program was established by the Act, and is administered by the Sanctuaries and Reserves Division of the National Oceanic and Atmospheric Administration.

The mission of the National Marine Sanctuary Program is to identify, designate and manage areas of the marine environment of special national significance due to their conservation, recreational, ecological, historical, research, educational, and aesthetic qualities.

The Program currently has 14 designated sites including Olympic Coast, Cordell Bank, Gulf of the Farallones, Monterey Bay, Channel Islands, Hawaiian Islands Humpback Whale, Fagatele Bay, Flower Garden Banks, Looe Key, Key Largo, Gray's Reef, the Monitor, Florida Keys, and the Stellwaen Bank National Marine Sanctuaries.

In 1992, with the passage of the National Marine Sanctuaries Act, Pub. L. 102-587, Congress directed the National Marine Sanctuary Program to enhance funding for the designation and management of national marine sanctuaries through the creation, adoption and marketing of a logo. Through a partnership with the National Fish and Wildlife Foundation, the Sanctuary Program received *pro bono* assistance from Lintas, a national public